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August 8, 1997

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

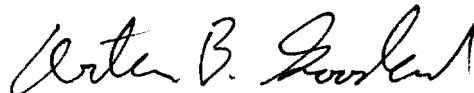
Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, DC 20554

Dear Mr. Caton:

Transmitted herewith, on behalf of LB Radio Corporation, are an original and nine copies of its "Comments of LB Radio Corporation" filed in connection with MM Docket No. 97-138, which encompasses a review of the Commission's Rules regarding the main studio and local public inspection files of broadcast television and radio stations.

In the event there are any questions concerning this matter, please contact the undersigned.

Very truly yours,



Arthur B. Goodkind

Enclosure

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)
) MM Docket No. 97-138
Review of the Commission's)
Rules regarding the main studio)
and local public inspection)
files of broadcast television)
and radio studios)
)
47 C.F.R. §§ 73.1125)
73.3526 and 73.3527)

To: The Commission

COMMENTS OF LB RADIO CORPORATION

Arthur B. Goodkind

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Its Attorneys

August 8, 1997

SUMMARY

LB Radio supports the Commissions's proposal to liberalize the present rule that limits the area in which a broadcast station may locate its main studio. The present rule unreasonably restricts the area in which a station with limited facilities may locate its main studio and also produces anomalies and competitive inequities.

Under the present rule, different stations serving exactly the same market may be subject to very different restrictions governing main studio location, depending on the stations' facilities and transmitter locations. This is also the case as between stations in different regions of the country, since the TV and FM height and power combinations permitted in some regions produce much larger principal community contours than in other regions and hence permit much greater latitude in locating a main studio. In addition, owners of multiple stations in the same market may be prevented from realizing the efficiencies of consolidated ownership if one or more of the stations fails to place a principal city contour over a single, advantageous studio location.

The Commission's rule making proposals appropriately address these anomalies and inequities and at the same time would create no material new inconvenience for the listening and viewing public since all of the proposals would assure that the ultimate rule requires main studios to be at reasonably accessible locations.

LB Radio suggests, however, that the Commission modify its proposals to provide that a main studio may be located either within the principal community contour of any station in the same radio market or, alternatively, within a reasonable number of miles, such as 30, of the station's community of license. Such a change would permit a licensee such as LB radio, which attempts to serve a single radio market through the use of two stations with very limited facilities, to co-locate the stations' studios at a point that would be easily accessible to listeners in each station's community of license.

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To: The Commission

COMMENTS OF LB RADIO CORPORATION

LB Radio Corporation ("LB Radio"), by its attorneys, hereby submits its Comments in the above referenced proceeding.

LB Radio is the licensee of WYCK(AM), Plains, Pennsylvania, a community that is located adjacent to Wilkes-Barre¹ and 11.1 miles southwest of Scranton (main post office to main post office) in the Wilkes-Barre/Scranton radio market.² Douglas Lane, LB Radio's president, director, and sole stockholder, is also the president, director, and majority shareholder of Lane Broadcasting Corporation ("LBC"), the licensee of WWDL-FM,

¹ The distance between the main post offices of the two communities is approximately three miles.

² The closest distance between the city limits of the two communities is 6.4 miles.

Scranton, Pennsylvania. LBC, in turn, owns a majority of the stock of Lancom, Inc., the licensee of WICK(AM), which is also licensed to Scranton. WYCK in Plains and the two Scranton stations are thus under substantially the same ownership. We refer to the stations here as the "Lane stations."

In a Notice of Proposed Rulemaking dated May 28, 1997, the Commission asked interested parties to comment on proposed changes that would liberalize the Commission's rules regarding main studio location for broadcast stations. LB Radio agrees with the purpose of the Commission's proposed changes but urges the Commission to make specific modifications in those changes so that the new rules will best serve the public.

I. Statement of Interest

Lane station WICK in Scranton is a Class C AM station that operates on 1400 KHz with only one kw power. With these very limited facilities, WICK has had great difficulty in competing with more powerful radio stations that cover the entire Scranton/Wilkes-Barre market. In an effort to provide more complete AM coverage in the market, Lane purchased a second Class C AM station, WYCK, in 1992, that is authorized to operate with

only 810 watts. At the time, WYCK was moribund and silent, and was then assigned to Wilkes-Barre.

In August 1992, LB Radio sought an unconditional waiver of Section 73.1125 (the main studio rule) to operate WYCK(AM) in conjunction with WICK, proposing to use the existing Lane stations' studio in Scranton for all three Lane stations. Lane proposed to simulcast the programming of WICK and WYCK, as permitted by the Commission's rules. The Commission's staff denied the waiver. LB Radio has since been trying to persuade the Commission to reverse this decision. Meanwhile, the Commission recently approved a change in WYCK's community of license from Wilkes-Barre to Plains, which is located adjacent to Wilkes-Barre and approximately 16 road miles southwest of Lane's Scranton studio.

The Scranton studios of WICK are approximately a twenty to twenty-five minute drive from the center of Plains and are readily accessible and available to its residents. Operation of WYCK in conjunction with WICK is an economically practicable way to keep WYCK on the air. Operating together, the two stations are able to provide AM coverage of the Scranton/Wilkes-Barre market, which neither station is able to do alone with its very limited Class C facilities. Even so, such a combined operation

has a far smaller combined service area than the area served by a number of individual competing radio stations in the Scranton/Wilkes-Barre market.

At present, WYCK operates from the Lane stations' Scranton studios pursuant to an STA issued by the Commission's staff. While the Commission's staff has indicated that it will continue the STA during the pendency of this rulemaking, it is imperative that appropriate rule changes be adopted so that WYCK can continue its present mode of operation permanently. LB Radio therefore has a strong interest in any changes the Commission might make to the main studio rule.

II. Discussion

LB Radio agrees with the Commission that review of the main studio rule is warranted because it places disproportionate burdens on owners of smaller stations. As the Commission points out, the principal community contour of a broadcast station varies greatly depending on a station's channel, class, and authorized facilities. Some stations have principal community contours as great as 70 or 80 miles in diameter, and consequently have far greater flexibility in locating their main studios under

the current rule than do limited facility stations such as WYCK and WICK. Each of those stations has a principal community contour that is only about 15 miles in diameter.

Not only will modifying the main studio rule relieve smaller stations of the disproportionate burden they now bear, but it will allow the public interest to be better served. In WYCK's case, co-location of that station's studios with those of WICK will permit WYCK to survive and to continue to provide a beneficial broadcast service to the public. Nor will the public suffer any loss as a result of such co-location. Although the WYCK studios will be outside the station's principal community contour, they will be less than a twenty-five minute drive from the center of Plains. With this proximity, a toll-free telephone number, and the location of the public inspection file in Plains, that city's residents have no problem making their needs and concerns known to the WYCK management.

WICK and WWDL-FM have an extensive history of providing non-entertainment programming relating to issues of public concern not only to residents of Scranton and Lackawanna County but also to residents of Wilkes-Barre, Plains, and other parts of Luzerne County. Simulcasting of the WICK signal and, at times, WWDL-FM's programming over WYCK will permit this programming to be received

in a larger portion of the Wilkes-Barre/Scranton market, including Plains and other Luzerne County communities. In addition, with the added economic support provided by a broader listener base, all three stations will be able to offer even more programming focusing on important community issues, including issues of concern to residents of Plains. LB Radio envisions over twenty-five live broadcasts annually from locations in Luzerne County. In all, Luzerne County residents will have the benefits of a far better programming service than WYCK was furnishing prior to its 1992 acquisition by LB Radio and certainly a greater wealth of programming than could be offered if WYCK should be forced off the air because of its inability to comply with a Commission's requirement that it maintain its own separate studio inside its principal city contour.

LB Radio agrees that the main studio rule should be changed in a way that will give all licensees additional needed flexibility yet will continue to ensure that the main studio is reasonably accessible to a station's community of license. In its Notice of Proposed Rule Making, the Commission has suggested several possibilities as to how the rule might be changed.

One alternative proposed by the Commission is to require that the main studio be located within the principal community

contour of any station licensed to the community of license in question. The Commission suggests that this modification would provide a clear, easy-to-apply rule, would eliminate the differential treatment in the current rule between low and high power stations, and would permit many stations to locate their main studios within a larger area.

LB Radio agrees that this proposed change would appropriately address the inequities created by the present rule as among stations assigned to the same community, but the proposal would still leave gross inequities as among stations assigned to different communities in the same radio market. For example, a station assigned to Wilkes-Barre having a small principal community contour would have increased flexibility under such a rule, because it would be able to locate its main studio anywhere within the contours of the most powerful station licensed to Wilkes-Barre. A station such as WYCK would not be helped by the rule change, however, because it is the only station assigned to Plains. Even though Plains is closer to the Lane stations' Scranton studios than is Wilkes-Barre, WYCK would still be unable to co-locate its studios in Scranton. Many other stations with limited facilities would face similar problems, and a rule change geared only to signal contours of stations assigned

to a single community would in many cases compound existing inequities.

LB Radio therefore urges the Commission to modify its proposal to provide that a station's main studio may be located within the principal community contour of any station in the same radio market. The Commission could define market using Arbitron's definition or the market definition already applied in Section 73.3555(a) of the Rules. In WYCK's case, such a rule would permit the station to locate its studios within the contour of any station in its market, which, if the Arbitron definition were used, would be the Wilkes-Barre/Scranton market. Thus, WYCK would have the flexibility to co-locate its studios in Scranton with WICK, allowing it to remain on the air and provide service to the residents of Plains as well as strengthening the overall ability of all three Lane stations to provide a beneficial service to the entire market. This solution would be a fair and equitable one for WYCK and stations like it, and would best satisfy the Commission's goal of providing sufficient flexibility to licensees while continuing to ensure that their main studios are reasonably accessible to the communities they serve.

The Commission also seeks comments with respect to an alternative proposal to use a fixed mileage standard rather than

relying on a measurement-based-signal contour. Under this alternative, the rule would be revised to permit a station to locate its main studio within a radius of a set number of miles from a common reference point in the station's community of license, such as the community's city-center coordinates. LB radio agrees that a fixed mileage standard would also be an appropriate measure of reasonable accessibility for the main studio rule, so long as the number of miles specified is sufficient to cure the inequities produced by the present rules. Lane suggests that a thirty mile standard would appropriately balance the needs of residents of a station's community of license to have access to the station and the needs of stations for greater flexibility under the main studio rule.³

If the Commission does chooses to incorporate a mileage standard into its modified rule, LB Radio believes that the "either-or-both" approach suggested in the Commission's Notice is superior to a straight mileage standard. Under that alternative a station could choose to locate its main studio anywhere in the principal community contour of any station licensed to the same

³ In WYCK's case, the Lane stations' Scranton studio is less than 16 road miles (approximately 13 air miles) from the center of Plains.

community or market, or within a set distance from the community center, whichever provides greater flexibility. This would provide stations a choice between two reasonable standards. Another possible alternative would be to permit an entity that owns multiple stations in a market to co-locate the main studios for these stations at any one of the commonly owned stations, provided each of the stations is located in the same local market and that the main studio was within some set distance from the community center.

Either of these alternative formulations would allow continued access to the public while granting greater flexibility to stations. They are preferable to a fixed mileage standard alone since a mileage standard alone would, as the Commission points out, actually restrict some stations in selecting a main studio location even more than does the present rule. That is because some stations have very large principal community contours and, depending on the location of a particular station's transmitter, could already have main studio locations that would not comply with a rule geared to a fixed mileage standard alone.

On the other hand, a rule based on contours alone is also inequitable. A contour-based standard -- both as proposed and under the present rule -- essentially creates different rules for

different regions of the country. Some FM and television stations in FM or television Zone II, for example, may operate with far greater facilities than any FM or television station in FM or television Zone I. The result is that Zone II stations have far greater latitude in locating their main studios under any contour-based rule. Yet the main studio accessibility considerations that presumably form the basis for any main studio location restriction do not differ as between one region of the country and another.

An "either-or-both" approach, however, would eliminate the anomalies and inequities noted above and would serve both broadcasters and the public well.

III. Conclusion

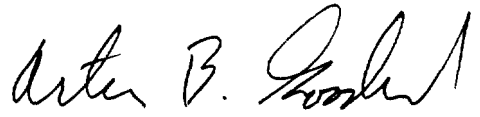
LB Radio respectfully requests that the Commission modify Section 73.1125. The modified rule should permit a station's main studio to be located either within the principal community contour of any station in the same market as the station's community of license or should permit a station's main studio to be located within 30 miles of its community of license. Such a change would promote operational efficiencies that allow limited

facility stations such as WYCK to continue to provide the residents of the communities of license with news, public affairs, and entertainment programming, but would still insure that such stations remain accessible to the listeners they serve. More generally, such a change would eliminate existing inequities among broadcast stations while maintaining the bedrock obligation of every broadcast licensee to serve the needs and interests of the community.

Respectfully submitted,

LB RADIO CORPORATION

By:



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